

EXHIBIT 5



Debevoise & Plimpton LLP
66 Hudson Boulevard
New York, NY 10001
+1 212 909 6000

June 23, 2023

Leslie C. Thorne
Haynes Boone
30 Rockefeller Plaza, 26th Floor
New York, NY 10112

Re: *GMO Internet Group, Inc. et al. v. Whinstone US, Inc.*, No. 22-cv-5974 (S.D.N.Y.)

Dear Leslie:

We write in response to your May 30, 2023 letter concerning the preservation of evidence relevant to the parties' claims and defenses in this case.

To be clear, our May 24, 2023 letter did not accuse GMO or Haynes Boone of destroying evidence. We merely noted GMO's recent activities and expressed our concern that relevant evidence "may have been altered or destroyed." (May 24 Ltr. at 1.) Although we disagree with much of your May 30 letter, we are pleased to receive your confirmation that "GMO has preserved all relevant evidence concerning the location, functionality, and condition of its machines, including its real-time data and diagnostic information concerning the performance of its miners." (May 30 Ltr. at 2-3.) Please confirm that GMO will promptly produce that information.

Aside from information regarding the "location, functionality, and condition" of GMO's miners, we want to make sure that other relevant evidence, if any, relating to GMO's operations at the Texas Facility is adequately preserved. In particular, we note that GMO stated in its Q2 2022 Results Q&A that the "decrease in the number of mining machines operating at the mining center is due to the unstable operation system of the outsourced mining center and does not mean that the equipment is wearing out." It is unclear to us what "unstable operation system" GMO is referring to, but we ask that you promptly let us know if there is other evidence regarding GMO's operations at the Texas Facility that you believe will be relevant at trial so that the parties can ensure it is adequately preserved. We will otherwise understand GMO's position to be that it has preserved the evidence it believes it needs for trial.

With respect to GMO's request for video footage or recordings, we understand that Whinstone maintains security footage of Building A for a period of 30 days. Whinstone will retain that footage for the past 30 days and is willing to meet and confer to discuss the retention of security footage on a going forward basis.

Best regards,

A handwritten signature in blue ink, appearing to read "Maeve L. O'Connor". The signature is stylized with a large, looped "O" and a long, sweeping underline.

Maeve L. O'Connor